

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO. 10739 OF 2016**

Amar Shikshan Va Aarogaya Sevabhavi  
Sanstha

.. **Petitioner**

**Versus**

The State of Maharashtra and another

.. **Respondents**

Shri U. R. Aute h/f Talekar and Associates.

Shri S. B. Pulkundwar, A. G. P. for Respondent No. 1.

Shri S. G. Chapalgaonkar, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &  
S. M. GAVHANE, JJ.**

**DATE : 10<sup>th</sup> October, 2017**

**PER COURT :**

1. The proposal seeking permission to start college in Arts and Commerce faculty is rejected.
2. We have heard Mr. Aute, the learned counsel for the petitioner, learned A. G. P. and the learned counsel for the University.
3. This court under order dated 28<sup>th</sup> April, 2016, in Writ Petition No. 10433 of 2012 had directed the respondent to consider the proposal of the petitioner dated 31<sup>st</sup> October, 2011 for grant of permission to open new college for the year 2012-2013 be considered for the academic year 2016-2017. After this order is passed by the court the respondent – authority has

rejected the said proposal on the basis of the deficiencies as stated in the said letter.

4. Mr. Aute, learned counsel submits that the petitioner at no point of time was communicated the said deficiencies and even the Government Resolution dated 2.9.2013 would not be applicable. As the proposal was submitted in the year 2011. The learned counsel for the University submits that for the current year the village Chaklamba is not in the master plan.

5. Learned A. G. P. states that while considering the proposal for the year 2016-2017 the Government Resolution dated 2.9.2013 is relevant.

6. We have considered the submissions.

7. Unless the said area is in the master plan it would not be possible for us to direct the State to consider the proposal of the petitioner.

8. In case, for the academic year 2018-2019 or academic year 2019-2020 the place Chaklamba is included in the master plan then, the proposal of the petitioner be considered afresh after the petitioner removes the deficiencies. With this observation the writ petition is disposed of. No costs.